

CITY COUNCIL AGENDA

AUGUST 30, 2005

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent Council Members: Gonzales. (Excused)

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Chirco, Williams; Gonzales. (Excused)
- **Invocation (District 7)**
Senior Pastor Tony Williams, Maranatha Christian Center, presented the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to John Boncher, Chief Operating Officer and President of Cupertino Electric for their contributions to the local economy. (Mayor/Chavez)
Mayor Gonzales and Vice Mayor Chavez recognized Mr. John Boncher, Chief Operating Officer and President of Cupertino Electric, for their contributions to the local San José economy.

1. CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to the Friends of the Guadalupe River Park and Gardens in recognition of the grand opening of the Guadalupe River Park on September 10, 2005. (Chavez/Yeager)
Mayor Gonzales, Vice Mayor Chavez and Council Member Yeager commended the Friends of the Guadalupe River Park and Gardens in recognition of all of their hard work and in honor of the grand opening of the Guadalupe River Park on September 10, 2005.
- 1.3 Presentation of a commendation to Kaiser Permanente for its contributions to the City of San José in the field of health in relation to their innovative Farmers' Market Program that was awarded the 2005 Ellis J. Bonner Community Leadership Award by America's Health Insurance plans. (Williams)
(Rules Committee referral 8/17/05)
Mayor Gonzales and Council Member Williams recognized Kaiser Permanente for its contributions to the City of San José in the field of health care for their innovative Farmers' Market Program.
- 1.4 Presentation of a proclamation celebrating August 28, 2005 as San José Fire Department's 10 year Anniversary for providing Advanced Life Support Services to the residents of San José. (Mayor)
(Rules Committee referral 8/17/05)
Mayor Gonzales presented a proclamation to Deputy Fire Chief Nicolas Thomas in honor of the San José Fire Department's 10 year Anniversary for providing Advanced Life Support Services to the residents of San José.
- 1.5 Presentation of an award by representatives from the Department of Defense/Employer Support of the Guard and Reserve (ESGR) and signing of the Five Star Statement of Support by the Mayor of the City's nomination to receive the Freedom Award. (Mayor)
(Rules Committee referral 8/17/05)
Mayor Gonzales invited Officers from the Police Department to the podium: Pete Lovecchio, Brian Christian, Brett Linden (currently on active duty), Margie Thompson, Geeno Gular, John Rusyn, Mark Alvares, Richard Mizgorski and Tammy Kimbrel; representatives from the ESGR, John J. Woolley, Vice Chairman, and James D. Franklin, Regional Director; and Assistant City Manager Mark Linder, Police Chief Robert Davis, Fire Chief Jeffrey Clet (who was not present), Director of Employee Relations Alex Gurza, Don DeMers, POA President, Council Member Reed and Vice Mayor Chavez. Mr. Woolley presented the City of San José with an award from the ESGR honoring the City for all its great accomplishments. Mayor Gonzales signed the Five Star Statement of Support of the City of San José's nomination to receive the Freedom Award.

1. CEREMONIAL ITEMS

- 1.6 Presentation of a commendation to Presentation High School in recognition of their outstanding commitment to women's athletics and education through the construction and dedication of new sports fields and aquatic facilities on their campus. (Yeager)
(Rules Committee referral 8/17/05)
Mayor Gonzales and Council Member Yeager presented a commendation to Presentation High School in recognition of their outstanding commitment to women's athletics and education through the construction and dedication of new sports fields and aquatic facilities on the campus.
- 1.7 Presentation of a commendation to the Salvation Army for providing all the necessary back to school materials to over 750 San José children for the 2005-2006 school year. (LeZotte)
(Rules Committee referral 8/24/05)
Mayor Gonzales, Council Member LeZotte and Vice Mayor Chavez recognized and commended the Salvation Army for helping over 1,000 underprivileged children. Mayor Gonzales presented a plaque to Major Tollerud.
- 1.8 Presentation of a commendation to Robert Latimore for rescuing tenants during an apartment building fire that occurred within his neighborhood on South 12th Street. (Chavez)
(Rules Committee referral 8/24/05)
Heard in the evening.
Vice Mayor Chavez recognized and commended Mr. Robert Latimore for his heroic efforts for rescuing tenants during an apartment building fire that occurred within his neighborhood.
- 1.9 Presentation of a commendation to Martin Renteria for his invaluable leadership in the Tully-Senter Neighborhood. (Mayor/District 7)
Mayor Gonzales recognized and commended Mr. Martin Renteria for his invaluable leadership in the Tully-Senter Neighborhood.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of Minutes.

- (a) Regular Minutes of February 8, 2005
- (b) Regular Minutes of February 15, 2005
- (c) Minutes of the Joint Meeting of the City Council, Redevelopment Agency Board and the Santa Clara Valley Water District Board of February 15, 2005
- (d) Minutes of the Joint San José City Council and Redevelopment Agency Board of February 15, 2005

Approved.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27515 – Rezoning certain real property located on the southeasterly corner of Piercy Road and Silver Creek Valley Place (5815 Silver Creek Valley Place) to A(PD) Planned Development Zoning District. PDC05-045
Ordinance No. 27515 adopted.
- (b) ORD. NO. 27516 – Rezoning certain real property situated at the northeast corner of Almaden Avenue and West Alma Avenue (1390 Almaden Avenue) to A(PD) Planned Development Zoning District. PDC05-019
Ordinance No. 27516 adopted.
- (c) ORD. NO. 27517 – Prezoning certain real property situated on the north side of Fleming Avenue approximately 350 feet east of Fourier Drive (1238 Fleming Avenue) to A(PD) Planned Development Zoning District. PDC05-015
Ordinance No. 27517 adopted.
- (d) ORD. NO. 27518 – Rezoning certain real property situated on the southwest side of Park Avenue approximately 150 feet northwest of Emory Street (1819 Park Avenue) to CN – Commercial Neighborhood Zoning District. C05-065
Ordinance No. 27518 adopted.
- (e) ORD. NO. 27519 – Rezoning certain real property situated on the east side of Senter Road, approximately 200 feet northwesterly of Quinn Avenue (2266 Senter Road) to LI(PD) Planned Development Zoning District. PDC04-111
Ordinance No. 27519 adopted.
- (f) ORD. NO. 27520 – Rezoning certain real property situated southeast side of Elwood Drive approximately 100 feet southerly of Nikette Way to A(PD) Planned Development Zoning District. PDC04-059
Ordinance No. 27520 adopted.

2.3 Acceptance of the finding reports from Kafoury, Armstrong & Company, LLP for the quarters ending December 31, 2004 and March 31, 2005, relating to the Bay 101 Unconditional Approval of Stock Transfer.

Recommendation: Acceptance of the finding reports from Kafoury, Armstrong & Company, LLP for the quarters ending December 31, 2004 and March 31, 2005, relating to the Bay 101 Unconditional Approval of Stock Transfer. (City Auditor)
(Rules Committee referral 8/17/05)

Report Accepted.

2. CONSENT CALENDAR

2.4 Approval of an agreement for the Water Pollution Control Plant.

Recommendation: Approval of an agreement with H.T. Harvey & Associates to provide land use planning consultant services for the San José/Santa Clara Water Pollution Control Plant, including salt pond A18, in an amount not to exceed \$300,000, for a term from September 1, 2005 to August 31, 2009. CEQA: Not a Project. Environmental Services)

Approved.

2.5 Approval of actions related to the 21st Century Community Learning Centers.

Recommendation:

- (a) Adoption of a resolution accepting additional grant funding for the 21st Century Community Learning Centers, and authorizing the City Manager to negotiate and execute continuation grant agreements with the YMCA, Cross-Cultural Community Services, San José After School All Stars and the Boys and Girls Club, to increase compensation by \$352,665, for a total grant amount of \$1,645,665, and extending the term of the agreements to December 30, 2005. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Resolution No. 72869 adopted.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund:
- (1) Increase Earned Revenue estimate by \$352,665;
 - (2) Increase the California 21st Century Community Learning Centers – Core Grant appropriation (#3266) by \$256,131;
 - (3) Establish the California 21st Century Community Learning Centers Core Grant B for \$87,877; and
 - (4) Increase the California 21st Century Community Learning Centers Core Grant C appropriation (#3329) by \$8,657.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Ordinance No. 27529 adopted.

Resolution No. 72870 adopted.

2.6 Adoption of a resolution ordering the reorganization of territory designated as McKee No. 128.

Recommendation: Adoption of a resolution ordering the reorganization of territory designated as McKee No. 128 which involves the annexation to the City of San José of 1.19 acres of land more or less, located at the on the east side of Kirk Avenue, approximately 110 feet southerly of Summit Avenue and adjacent to the City of San José annexations McKee Nos. 117 and 40 and the detachment of the same from Central Fire Protection, Area No.01 (Library Services) County Services and Sanitation District 2-3. CEQA: GP2020 EIR, Resolution No. 65459, File No. C04-090. Council District 5. (Planning, Building and Code Enforcement)

Resolution No. 72871 adopted.

2. CONSENT CALENDAR

2.7 Approval of action related to Rule 20A and Rule 20B Underground Utility District.

Recommendation: Adoption of a resolution to consider the establishment of combination Rule 20A/In-Lieu Fee (Rule 20B) Underground Utility District on Taylor Street from First Street to Tenth Street; Jackson Street from Seventh Street to Ninth Street; Seventh Street from Jackson Street to Taylor Street; and Sixth Street from Taylor Street to Empire Street, and setting a public hearing on September 27, 2005 at 1:30 p.m. CEQA: Exempt, PP05-148. Council District 3. (Public Works)

Resolution No. 72872 adopted.

2.8 Approval to award a contract for the Capitol Park Neighborhood Center Project.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Capitol Park Neighborhood Center Project, and approval of a five percent contingency. CEQA: Exempt, PP03-08-267. Council District 5. SNI: East Valley/680 Communities. (Public Works/Parks, Recreation and Neighborhood Services) (Deferred from 8/23/05 – Item 2.9)

Deferred to 9/13/05.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

Recommendation: Approval of Minutes.

- (a) Study Session on Jobs, Housing and Transportation Policy Updates for Downtown, North San José and Transit Corridors Study Session, dated February 14, 2005.

Approved.

3.2 Report of the Rules Committee – August 17, 2005 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council

- (1) Review August 30, 2005 Council Agenda

The Committee recommended approval of the August 30, 2005 City Council Agenda with nine additions.

- (2) Add New Items to August 23, 2005 Council Agenda

The Committee recommended approval of three additions to the August 23, 2005 City Council Agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 17, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(b) City Council (Cont'd.)

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's Report.

(c) Legislative Update

(1) State

There were none.

(2) Federal

There were none.

(d) Meeting Schedules

There were none.

(e) The Public Record

The Committee noted and filed the Public Record.

(f) Appointments to Boards, Commissions and Committees

There were none.

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Revision of Definition of Surviving Child

The Committee recommended that the revisions to the Definition of Surviving Child return to the Rules Committee in one month for a review of the outcome of the negotiations with the bargaining groups. At that time, the Committee will forward the item to the City Council for action.

(2) Megan's Law Registry Changes

The Committee recommended that the Police Department, Housing Department and the City Attorney's Office prepare an analysis on Assembly Bills 438 and 1323 and report back to the Rules Committee in two weeks.

(3) Approval of Travel by Council Member LeZotte to Denver, Colorado

(4) Approval of Travel by Mayor Gonzales to Denver, Colorado

The Committee recommended approval to travel and use of the Mayor and Council Travel Fund.

(h) Oral Communications

There were none.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 17, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(i) Adjournment

The meeting was adjourned at 2:35 p.m.

The Report of the Rules Committee and the Actions of August 17, 2005, were approved.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3.4 Approval of City Council response to the 2004-2005 Santa Clara County Civil Grand Jury Report regarding the Norcal Recycle Plus Agreement.

Recommendation: Approval of City Council response to Grand Jury Report regarding the Norcal Recycle Plus Agreement. (City Manager/City Attorney)

(Rules Committee referral 8/10/05 and 8/17/05)

(Deferred from 8/16/05 – Item 3.4)

Deferred to 9/13/05.

3.5 Independent Investigator's Status Report on the review of issues associated with Norcal garbage contract and contract amendment.

Recommendation: Acceptance of the Independent Investigator's Status Report on the review of issues associated with the Norcal garbage contract and contract amendment.

(City Auditor)

(Rules Committee referral 8/10/05 and 8/17/05)

Deferred to 9/13/05.

3.6 Approval to issue Clean Water Financing Authority Sewer Revenue Refunding Bonds.

Recommendation: Adoption of a resolution of the City Council:

- (a) Authorizing the issuance of San José - Santa Clara Clean Water Financing Authority Sewer Refunding Revenue Bonds, Series 2005A (tax-exempt fixed rate) in a not to exceed amount of \$65,000,000; and Series 2005B (tax-exempt variable rate) in a not to exceed amount of \$30,000,000, (collectively the "Bonds").

Item continued on the next page

3. STRATEGIC SUPPORT SERVICES

3.6 Approval to issue Clean Water Financing Authority Sewer Revenue Refunding Bonds (Cont'd.)

- (b) Approving in substantially final form and authorizing the execution, as applicable, of the Second Amendment to the Improvement Agreement, two Preliminary Official Statements, two final Official Statements, Master Indenture, First Supplemental Indenture, Second Supplemental Indenture, Continuing Disclosure Agreement, Standby Bond Purchase Agreement, one or more Escrow Agreements, Financial Guaranty Agreement, Bond Purchase Agreement, Remarketing Agent Agreement, one or more Payoff Agreements with Tributary Agencies and authorizing the City Manager, Director of Finance or their designees to execute and, as appropriate, to negotiate and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Bonds.
- (c) Authorizing the City Attorney to negotiate and execute an Agreement with Nixon Peabody LLP for bond and disclosure counsel services in an amount not to exceed \$175,000.

CEQA: Not a Project. (Finance/Environmental Services)

Deferred to 9/13/05.

3.7 Approval of actions related to utility bill printing services.

Recommendation:

- (a) Adoption of a resolution as follows:
 - (1) Authorizing the Director of Finance to negotiate and execute a five year agreement with four, one-year options to renew with Kubra (Torrance, CA) to provide all services for Utility Bill Printing, Mailing, E-Presentment, E-Payment and Remittance Services for various utility services, with a first-year compensation not to exceed \$938,726.40 inclusive of all start-up, transaction and maintenance costs, and applicable sales taxes.
 - (2) Authorizing the Director of Finance to execute change orders not-to-exceed \$100,000 to cover expenses for unanticipated implementation costs and/or additional costs associated with increases in transaction volumes or required services
 - (3) Authorizing the Director of Finance to execute compensation adjustments for years two through five of the initial term, without further Council action other than the approval of necessary funding.

Item continued on the next page

3. STRATEGIC SUPPORT SERVICES

3.7 Approval of actions related to utility bill printing services. (Cont'd.)

Recommendation:

- (a) Adoption of a resolution as follows (Cont'd.)
 - (4) Authorizing the Director of Finance to negotiate and execute an amendment to the agreement for an Integrated CIS and Hauler Management System between the City of San José and BearingPoint, Inc., to integrate the recommended vendor's solution for Document Printing, Mailing, E-Presentment, E-Payment and Remittance Services with the Consolidated Utility Billing System, increasing the total maximum compensation by \$195,576 for a total maximum compensation not to exceed \$4,657,182 (including previously approved contract contingency).

Resolution No. 72873 adopted.

- (b) Adoption of the following 2005-2006 appropriation ordinance and funding sources resolution amendments:
 - (1) Increase the estimate for Earned Revenue in the Integrated Waste Management Fund by \$13,096.
 - (2) Increase the CUSP Project appropriation in the Integrated Waste Management Fund by \$13,096.
 - (3) Increase the Non-Personal/Equipment appropriation in the Environmental Services Department in the Integrated Waste Management Fund by \$313,572.
 - (4) Decrease the Ending Fund Balance in the Integrated Waste Management Fund by \$313,572.

CEQA: Not a Project. (Finance/City Manager's Office)

(Rules Committee referral 8/24/05)

Ordinance No. 27530 adopted.

Resolution No. 72874 adopted.

Staff was directed to:

- (1) **Work with the Healthy Neighborhood Venture Fund Committee for the best strategy.**
- (2) **Look at Working Assets.**
- (3) **Prepare a method for benchmarking cost effectiveness.**
- (4) **Focus on customer service and consider working with focus groups to meet the needs of the customer.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chirco, Chair

No Report.

4 COMMUNITY & ECONOMIC DEVELOPMENT

- 4.2 Report of the Driving a Strong Economy Committee**
Council Member Williams, Chair
No Report.

- 4.3 Approval of actions related to the off-sale of alcoholic beverages.**

Recommendation: Adoption of an ordinance repealing the provisions pertaining to gasoline service station combined uses; amending land use regulations pertaining to off-sales of alcoholic beverages to set forth elements for consideration in a liquor license exception process and to amend the location criteria for off-sales of alcoholic beverages uses; and amendments to distinguish off-sale of beer and wine uses from off-sale of all types of alcohol uses. (Planning, Building and Code Enforcement)
(Referred from 6/14/05 – Item 4.5)
(Rules Committee referral 8/17/05)
Deferred to 9/27/05.

- 4.4 Approval of actions related to the San José Medical Center.**

Recommendation: Acceptance of the staff report and provide direction to staff to either:

- (a) Proceed with negotiations with the Gardner Family Health Network and Cornerstone Affiliates/Greystone Communities/American Baptist Homes of the West to create a joint development plan for a facility providing comprehensive outpatient health services, and a state of the art continuing care retirement community; or
- (b) Prepare a work plan for a stakeholder based community planning process for the San José Medical Center site and surrounding properties on East Santa Clara Street to be brought back to City Council for approval in ninety days.

CEQA. Not a Project. (Economic Development)
(Deferred from 8/16/05 – Item 4.3 and 8/23/05 – Item 4.4)
Heard in the evening.

Report Accepted, with Staff directed to:

- (1) **Immediately prepare a work plan for a stakeholder based community planning process for the San José Medical Center site and surrounding properties on East Santa Clara Street to be brought back to City Council for approval in forty five days (Option 2).**
- (2) **Include a funding strategy that ensures an open, public planning process managed by the City.**
- (3) **Include adjacent properties within the study area as appropriate.**

Item continued on the next page

4 COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Approval of actions related to the San José Medical Center (Cont'd.)

- (4) Including, implementation goals should include:**
 - (a) Comprehensive outpatient health services facility (i.e. Gardener Health Clinic) to meet the basic, low cost healthcare needs of the surrounding neighborhoods (as recommended by Staff) and identifying 5 acres for future expansion into a full service hospital on site (including helipad).**
 - (b) Opportunities for range of housing at various income levels, including a continuing care retirement community (i.e. proposal from Cornerstone Affiliates/Greystone Communities/American Baptist Homes of the West).**
 - (c) Fulfilling the Open Space requirement generated by any new housing units on site (as specified in the Park Dedication Ordinance).**
 - (d) Relocation of Fire Station #8.**

4.5 Approval of actions related to a Rock 'n' Roll Half Marathon.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with Elite Racing, Inc. for a Rock 'n' Roll Half Marathon within the City of San José on Sunday October 8, 2006, in an amount not to exceed \$180,500.**
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with Silicon Valley Sports and Entertainment for parking for the Rock 'n' Roll Half Marathon within the City of San José on Sunday October 8, 2006, in an amount not to exceed \$7,500.**

CEQA: Exempt, PP05-170. (Economic Development)

(Rules Committee referral 8/24/05)

Resolution No. 72875 adopted, with Staff directed to:

- (1) Ensure live music at every one mile mark.**
- (2) Coordinate activities with the Downtown Association.**

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Building Better Transportation Committee
Council Member Campos, Chair
No Report.**

- 6.2 Approval to award a contract for the Airport's USO/Parking Revenue Control Modular Offices.**

Recommendation: Report on bids and award contract for the Norman Y. Mineta San José International Airport-USO/Parking Revenue Control Modular Offices (Revised) contract to the lowest responsive bidder, Pacific Mobile Structures, Inc. in the amount of \$675,427.33, and approval of a contingency in the amount of \$68,000. CEQA: Resolutions No. 67380 and 71451, PP 05-075. (Public Works/Airport)
Deferred to 9/27/05.

- 6.3 Approval of an agreement with Union Pacific Railroad.**

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Union Pacific Railroad for public access and a temporary construction easement across/under a railroad crossing within the Guadalupe River Park Project, generally lying at the Union Pacific Railroad track Number 4, approximately 900 feet south of Coleman Avenue. CEQA: Resolution No. 71373. (City Manager's Office) (Orders of the Day)
Resolution No. 72876 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Public Hearing and approval of actions related to Recycle Plus Rate Increases and Commercial Franchise Fees.**

Recommendation:

- (a) Public Hearing on the Recycle Plus program rate increases effective August 1, 2005, and on potential increases for Fiscal Years 2006-07 and 2007-08.
- (b) Adoption of a resolution revising Recycle Plus rates for integrated waste management services beginning August 1, 2005, increasing single-family rates by approximately 3% and multi-family rates by approximately 2%.

CEQA: Not a Project. (City Manager's Office/Environmental Services)

[Continued from 6/21/05 - Item 10.1 (a) and (b)]

Continued Public Hearing to 10/18/05.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Approval of 4th Street Garage and Downtown Parking Alternatives.

Recommendation: Approval of 4th Street Garage and Downtown Parking Alternatives.
(Mayor)

(Rules Committee referral 8/17/05)

Dropped.

- **Closed Session Report**
No Report.

- **Open Forum**
 - (1) **Robert Apgar, Jr. expressed personal relationship issues.**
 - (2) **George Gillis requested that the recently increased membership fees be lowered at the Camden Senior Center, because it is a hardship on Seniors.**
 - (3) **Mark Trout expressed his own religious beliefs.**
 - (4) **Ross Signorino pointed out that there should be more security measures in the New City Hall parking garage.**

- **Adjournment**
The Council of the City of San José adjourned the afternoon session at 4:02 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

(Heard by the City Council at 7:04 p.m.)

11.1 Public Hearings Consent Calendar items.

Recommendation:

- (a) Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District Rezoning to allow six single-family attached residences in an existing building on a gross 0.17 acre site, located on the east side of 10th Street, approximately 150 feet south of San Salvador Street (422 S. 10th Street) (José and Patricia Amaya, Owner). SNI: University. CEQA: Exempt.

PDC05-025 - District 3

(Continued from 8/16/05 – Item 11.5)

Continued to 9/20/05.

- (b) Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 11 detached single-family patio homes on a 0.75 gross acre site, located at/on the eastside of Almaden Road, approximately 680 feet northerly of Curtner Avenue (2190 Almaden Road) (Dennis Mulvihill, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (6-0-1).

PDC03-047 – District 6

Ordinance No. 27531 passed for publication.

- (c) Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District to allow commercial uses on a 2.3 gross acre site, located approximately 190' easterly of the intersection of Blossom Hill Road and Poughkeepsie Road (120 Blossom Hill Road) (Gavilan Plaza, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C05-069 - District 2

Ordinance No. 27532 passed for publication.

11 PUBLIC HEARINGS

11.2 Public Hearing on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Rezoning to allow up to 109 single-family attached residences and the demolition of existing industrial buildings on a 4.0 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 109 single-family attached residences and the demolition of existing industrial buildings on a 4.0 gross acre site, located on the northeast corner of Autumnvale Drive and Trade Zone Blvd. (2450 Autumnvale Dr.) (Autumnvale Associates, Inc., Adams Capital Management Co. Edwin Kawamoto, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval with Planning Commission modifications. Planning Commission recommends approval of the proposed rezoning with the conditions recommend in the staff report with the following revisions (4-2-1-0):

- (a) Modify the proposed Development Standards to eliminate the 10% reduction in the parking requirement to require that parking be provided at a rate of 2.7 spaces per unit (versus 2.4 spaces per unit).
- (b) Require that private yards be provided according to the Residential Design Guideline standards for Garden Townhomes of 300-square foot per unit.

PDC04-109 - District 4

(Continued from 8/16/05 – Item 11.8)

Continued to 9/13/05, per Applicant's request.

11.3 Public Hearing on Planned Development Rezoning from R-1-8 Residence District to A(PD) Planned Development Rezoning to allow 10 single-family detached residences on a 1.0 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-1-8 Residence District to A(PD) Planned Development Rezoning to allow 10 single-family detached residences on a 1.0 gross acre site, located at/on the west side of Delmas Avenue, approximately 170 feet north of Dorothy Avenue (1203 Delmas Ave.) (Greg Schatzel, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1).

PDC04-099 - District 6

(Continued from 8/16/05 – Item 11.11)

Ordinance No. 27533 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on Conforming Conventional Rezoning to allow for R-1-8 Single-Family Residence District to the R-M Multiple Residence District to allow for multi-family residential uses on a 0.13 gross acre site.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Conforming Conventional Rezoning from the R-1-8 Single-Family Residence District to the R-M Multiple Residence District to allow for multi-family residential uses on a 0.13 gross acre site, located on the northerly side of Michigan Avenue, approximately 200 feet southwest of Pacific Street (Isidiro Ancheta, Owner). CEQA: San José 2020 General Plan Environmental Impact Report. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C05-057 - District 4

(Continued from 8/16/05 – Item 11.7)

Ordinance No. 27534 passed for publication.

11.5 Public Hearing on a Planned Development Rezoning located at the southwest corner of Monterey Road and Goble Lane.

Recommendation: Public Hearing on and consideration of:

- (a) PUBLIC HEARING ON THE APPEAL OF PLANNING COMMISSION'S CERTIFICATION OF AN Environmental Impact Report for the Goble Lane Mixed Use Development for a Planned Development Rezoning of 29.5 gross acres located at the southwest corner of Monterey Road and Goble Lane. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend the City Council certify the Environmental Impact Report prepared for the project and find it in compliance with the requirements of CEQA. (6-0-1; Pham absent)

Dropped.

- (b) Approval of an ordinance on Planned Development Rezoning from R-MH Mobilehome Park, LI Light Industrial and HI Heavy Industrial Zoning Districts to A(PD) Planned Development Zoning District, to allow up to 969 single-family and multi-family residential units and approximately 18,000 square feet of commercial space on a 29.5 acre site located at the southwest corner of Monterey Road and Goble lane (Ernest L. and Thelma W. Goble, et al., Owners). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval. (4-2-1; Levy, Zito opposed; Pham absent). (Planning Building and Code Enforcement)

PDC02-066 - District 7

Ordinance No. 27535 passed for publication.

CEQA Resolution No. 72877 adopted.

The memorandum from Mayor Gonzales was approved, with one revision to Item (4):

Item continued on the next page

11 PUBLIC HEARINGS

11.5 (b) Public Hearing on a Planned Development Rezoning located at the southwest corner of Monterey Road and Goble Lane (Cont'd.)

Staff was directed to implement the following requirements:

- (1) Along the south and west property lines, require the buildings to have triple pane windows and 2 x 6 wall construction.
- (2) Stucco walls and concrete or clay roofs on all buildings within the project.
- (3) Alter modules along shared property line with Chateau la Salle so that the building modules alternate with existing mobile homes.
- (4) Eight foot sound wall along the western side and a *not to exceed* 15 foot sound wall along the southern property line. Sound walls should be heavily landscaped with flowers, quick growing vines and 25 gallon trees. *Staff to study noise, shading and dust in reference to the height and type of sound wall along the southern property line.*
- (5) Direct the Planning Staff to include a contiguous park consistent with the City's park acreage per capita requirements.
- (6) Work with Planning Staff during the Planned Development permit stage to reconfigure units along the southern and western sides to create a 25 foot setback on both sides.
- (7) Developer is required to notify and disclose to future tenants (renters and buyers) regarding the presence of the neighboring rock crushing facility.
- (8) Developer is required to provide the above notice and maintain written evidence that each such notice was provided to the tenants so that the City can review them upon reasonable request.

- Open Forum
No Speakers.

- Adjournment
The Council of the City of San José adjourned in memory of two fine City employees: Jan Elix, in Parks, Recreation and Neighborhood Services for 31 years. Jan served the City and disabled community with an uncommon dignity and dedication, and Dorothy Jung, a Legal Administrative Assistant for the Office of the City Attorney since 1997.

The Council of the City of San José adjourned at 9:06 p.m.